

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-005582-001 DT

07/15/2009

HON. SALLY S. DUNCAN

CLERK OF THE COURT  
M. Cabral  
Deputy

STATE OF ARIZONA

ALLISTER R ADEL

v.

JASON BRADLEY WHARTON (001)  
DOB: 09/22/1971

MICHAEL G BAILEY

APO-SENTENCINGS-CCC  
APPEALS-CCC  
AZ DOC  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-CCC

SUSPENSION OF SENTENCE - INTENSIVE PROBATION

2:40 p.m.

State's Attorney:	Allister Adel
Defendant's Attorney:	Michael Bailey
Defendant:	Present
Court Reporter:	Scott Kindle

The following address the Court on behalf of the Defendant: William Howard Wharton, Cheryl Wharton and Brian Cavender.

The plea is accepted.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs

Class 4 Felony

A.R.S. § 28-1381(A)(1), 28-1383(A)(1), 28-3001, 28-3304, 28-3305, 28-3315, 28-1383(J), 28-1444, 28-1461, 13-701, 13-702, 13-702.01, and 13-801

Date of Offense: September 17, 2007

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 4 month(s) from 07/15/2009

Presentence Incarceration Credit: 0 day(s)

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 1 Probation Term: 3 years

Upon release from prison for felony DUI (4 months; 0 days credit).

IT IS ORDERED that probation in Count 1 shall run concurrent with probation in CR2008-161736-001 and CR2006-103378-001.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

FINE: Count 1 - Total amount of \$750.00, payable \$25.00 per month beginning date to be determined by the Adult Probation Department. Surcharges are waived.

ASSESSMENTS:

Count 1: \$250.00 to the DUI Abatement Fund, payable \$25.00 per month, beginning date to be determined by the Adult Probation Department.

Count 1: \$1,500.00 to the Prison Construction and Operations Fund, payable \$50.00 per month, beginning date to be determined by the Adult Probation Department.

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Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Count 2.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

3:18 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HON. SALLY S. DUNCAN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)